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An Act To Require a Medical Examiner To Determine whether an Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §3045, as amended by PL 1991, c. 314, §49, is further amended to read:

§ 3045. Death of client

When the death of any client in any correctional or detention facility is not clearly the result of natural causes dies, an examination and inquest must be held as in other cases, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose. The medical examiner shall also review the case file, relevant medical records and body and determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed unless the client had expressed a preference when admitted to the facility or at any other time that an autopsy not be performed or the next of kin of the client expresses a preference that an autopsy not be performed. The next of kin of the client may also request that an autopsy be performed, in which case an autopsy must be performed.

SUMMARY

This bill requires that an examination and inquest be held whenever a prisoner in a state correctional or detention facility dies.

It also requires a medical examiner to determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed unless the prisoner had expressed a preference when admitted to the facility or at any other time that an autopsy not be performed or the next of kin of the prisoner expresses a preference that an autopsy not be performed. The next of kin of the client may also request that an autopsy be performed, in which case an autopsy must be performed.